

Message Text

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ACTION IO-14

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 4537
INFO AMEMBASSY BONN
AMEMBASSY GABORONE
AMEMBASSY DAR ES SALAAM
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA IMMEDIATE
USMISSION GENEVA

C O N F I D E N T I A L SECTION 1 OF 3 USUN 2300

GENEVA FOR AMBASSADOR YOUNG

E.O. 11652: GDS

TAGS: PFOR, US, SF, WA

SUBJ: DRAFT OF PAPER FOR WALDHEIM

1. WESTERN FIVE HAVE DRAFTED PAPER FOR POSSIBLE DEIVERY
TO SYG WALDHEIM, SUBJECT TO CONCURRENCE OF CAPITALS.
PAPER CONCERNS TASKS WHICH WOULD CONFRONT UN SPECIAL
REPRESENTATIVE IN NAMIBIA.

2. DRAFT TEXT FOLLOWS:

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QTE: SUBJ: THE SCOPE AND CHARACTER OF A UNITED NATIONS
SPECIAL REPRESENTATIVE IN NAMIBIA

INTRODUCTION

THE FIVE WESTERN MEMBERS OF THE SECURITY COUNCIL HAVE

BEEN DISCUSSING WITH THE SOUTH AFRICAN GOVERNMENT AND OTHER INTERESTED PARTIES WAYS TO DEVELOP A SOLUTION TO THE QUESTION OF NAMIBIA CONSISTENT WITH SECURITY COUNCIL RESOLUTION 385 (1976). THE SOUTH AFRICAN GOVERNMENT HAS MADE CLEAR ITS INTENTION TO APPOINT AN ADMINISTRATOR-GENERAL, WHO WILL BE RESIDENT IN WINDHOEK, TO ADMINISTER THE TERRITORY DURING THE INTERIM PERIOD. THE FIVE HAVE NOT ENDORSED THIS CONCEPT BUT HAVE REPLIED THAT A POLITICALLY IMPARTIAL ADMINISTRATOR-GENERAL WORKING IN CLOSE COOPERATION WITH A SPECIAL REPRESENTATIVE OF THE UNITED NATIONS, WHO WOULD ALSO BE RESIDENT IN WINDHOEK DURING THE SAME PERIOD, COULD BE HELPFUL IN ASSISTING IN DEVELOPING AN INTERNATIONALLY ACCEPTABLE SOLUTION TO THE NAMIBIAN QUESTION.

THE FOLLOWING MATERIAL DESCRIBES POSSIBLE RESPONSIBILITIES, FUNCTIONS AND POWERS OF THE UN SPECIAL REPRESENTATIVE, BEARING IN MIND THAT HIS ESSENTIAL TASK WILL BE TO PROVIDE THE NECESSARY SUPERVISION AND CONTROL OF THE POLITICAL PROCESS IN NAMIBIA TO ENSURE THAT THE ELECTIONS ARE FREE AND FAIR.

I. ORGANIZATION, STAFFING, DEPLOYMENT, FINANCING

IN ORDER FOR THE UN SPECIAL REPRESENTATIVE PROPERLY TO CARRY OUT HIS DUTIES, HE WILL HAVE TO HAVE ENOUGH MANPOWER ASSISTANCE TO ESTABLISH AN EFFECTIVE AND VISIBLE UN PRESENCE.
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SUCH EFFECTIVENESS AND VISIBILITY WILL BE ACHIEVED ONLY IF UN PERSONNEL ARE DEPLOYED THROUGHOUT THE COUNTRYSIDE AS WELL AS IN A WINDHOEK HEADQUARTERS.

THE OPERATIONAL REQUIREMENTS FOR MANPOWER FALL INTO TWO FUNCTIONAL AREAS: 1) SUPERVISING THE ELECTION PROCESS, AND 2) GUARANTEEING AGAINST INTIMIDATION.

AT WINDHOEK HEADQUARTERS, THE SPECIAL REPRESENTATIVE'S STAFF MIGHT BE ORGANIZED ALONG THE FOLLOWING LINES: LEGAL-POLITICAL, FOR ADVICE AND OVERSIGHT RELATING TO ELECTORAL-POLITICAL PROCEDURES, AND DISPATCH OF INSPECTORS TO THE FIELD; OPERATIONS, TO DIRECT AND SUPERVISE THE FIELD CORPS; PUBLIC SAFETY AND INTERNAL SECURITY, BOTH TO PROVIDE OVERSIGHT FOR PUBLIC ORDER FUNCTIONS IN THE FIELD AND MAINTAIN LIAISON WITH LOCAL POLICE AND MILITARY; COMMUNICATIONS; GENERAL SERVICES AND LOGISTICS. THESE HEADQUARTERS FUNCTIONS COULD BE EXPECTED TO REQUIRE FROM 70 TO 100 UN PERSONNEL.

FIELD OPERATIONS, BOTH TO SUPERVISE ELECTIONS AND TO SERVE AS WATCHDOGS AGAINST INTERFERENCE BY PUBLIC FORCES, WOULD REQUIRE A MUCH GREATER NUMBER OF UN OFFICIALS. FOR THESE

OPERATIONS TO BE EFFECTIVELY ORGANIZED, THE TERRITORY MIGHT
E DIVIDED INTO DISTRICTS, AND PERHAPS EVEN FURTHER SUBDIVIDED,
WITH EACH DIVISION OR SUBDIVISION SERVED BY A SUBSTANTIAL
NUMBER OF UN OFFICIALS, MANY OF WHOM MIGHT SERVE IN MOBILE
PATROLS. JOINT PATROLS COULD BE CONDUCTED WITH UN OFFICIALS
ACCOMPANYING LOCAL POLICE OFFICERS. TOGETHER THEY COULD
MONITOR COMPLIANCE WITH THE ELECTORAL PROCESS AND DEAL WITH
MINOR INCIDENTS. AN EFFECTIVE COMPLAINTS PROCEDURE WOULD
ALSO HAVE TO BE DEvised.

IN ORDER FOR THESE FIELD OPERATIONS TO BE EFFECTIVE AND
PROVIDE PROPER COVERAGE, 500 OR 600 UN OFFICIALS
MIGHT BE NEEDED. IN ADDITION, IT MIGHT BE NECESSARY TO
INCREASE UN PERSONNEL BY AS MUCH AS ANOTHER HUNDRED
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PEOPLE FOR LOGISTICAL SUPPORT.

IT SHOULD BE RECOGNIZED, THEREFORE, THAT FOR THE UN
TO PROPERLY CARRY OUT ITS FUNCTION OF SUPERVISION AND CONTROL
IN NAMIBIA, 700 TO 800 UN PERSONNEL COULD BE REQUIRED.
ALL OF THESE INDIVIDUALS WOULD NOT BE NEEDED THROUGHOUT THE
POLITICAL PROCESS. RATHER, THEY MIGHT BE PHASED INTO SERVICE
GRADUALLY WITH THE PEAK IN MANPOWER OCCURRING AT
AND PRIOR TO ELECTION TIME.

THE SECRETARIAT WILL BEST BE ABLE TO ESTIMATE THE COST
OF UN INVOLVEMENT. THAT COST IS BOUND TO BE HIGH GIVEN
THE EXTENSIVE ROLE ENVISAGED FOR THE UN.

THE MOST APPROPRIATE MODE OF MEETING THE COSTS OF SUCH
AN INVOLVEMENT COULD BE THAT USED FOR THE LARGER PEACEKEEPING
OPERATIONS, NOTABLY THE UN FORCES IN THE MIDDLE EAST.
THAT IS, ASSESSMENT BY THE GENERAL ASSEMBLY ON A MODIFIED
AND PROGRESSIVE SCALE WITH MONIES PUT INTO AN AD HOC ACCOUNT.

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 4538
INFO AMEMBASSY BONN
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C O N F I D E N T I A L SECTION 2 OF 3 USUN 2300

GENEVA FOR AMBASSADOR YOUNG

II. THE UN SPECIAL REPRESENTATIVE'S ROLE IN THE ELECTORAL PROCESS

1. THE UN SPECIAL REPRESENTATIVE'S INITIAL TASK WOULD BE TO TEST THE ADEQUACY AND VALIDITY OF ELECTORAL RULES AND PROECDURES PRESENTED TO HIM BY THE ADMINISTRATOR-GENERAL PRIOR TO PROMULGATION; IF THESE PROVE UNSATISFACTORY, AND SR COULD ADVISE ON REDRAFTING OF SUCH RULES AND PROCEDURES.

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STANDARDS TO BE MET WILL INCLUDE:

- UNIVERSAL SUFFRAGE,
AASECRET BALLOT
- FULL PARTICIPATION BY INDIVIDUALS WHO CANNOT
READ OR WRITE,
- FREEDOM OF PEACEFUL PARTICIPATION FOR ALL
PERSONES AND ALL POLITICAL PARTIES, REGARDLESS
OF POLITICAL VIEWS,
- FREEDOM OF SPEECH, PRESS, ASSEMBLY AND MOVEMENT
- GUARANTEES FOR A FAIR CONDUCT OF THE CAMPAIGN
UNIMPEDED BY ANY DISCIRMINATORY LEGISLATION
- IMPARTIALITY OF THE ADMINISTRATION

2. THE SPECIAL REPRESENTATIVE WILL HAVE TO INSURE

APPROPRIATE VOTER AWARENESS ABOUT THE ELECTION AND DISSEMINATE BASIC INFORMATION ABOUT THE ELECTORAL PROCESS AND THE UN'S ROLE AS GUARDIAN OF A FREE AND FAIR ELECTION.

HE NEEDS TO BE IN A POSITION TO ASSURE FAIR ACCESS TO COMMUNICATIONS FACILITIES AND CAMPAIGN MEDIA.

HE WILL HAVE TO IDENTIFY ALL POLITICAL PARTIES ELIGIBLE FOR PARTICIPATION IN THE CAMPAIGN. TO DETERMINE--IN CASES OF DOUBT--THE LEGITIMACY OF CLAIMS OF PARTIES FOR PARTICIPATION AND TO DISCOURAGE ANY FRIVOLOUS CANDIDACIES, THE SR MIGHT CONCERT WITH THE AG ON CERTAIN LIMITING CRITERIA (E.G., PROOF OF MINIMUM NUMBER OF ADHERENTS).

3. THE SR WILL HAVE TO CONCERT WITH THE AG ON DELINEATING ELECTION DISTRICTS, WHICH SHOULD ALSO BECOME THE OPERATIONAL DISTRICTS FOR HIS STAFF.

HE WILL ALSO HAVE TO CONCERT WITH THE AG ON THE SCHEME AND ALLOCATION OF SEATS. SOME VARIATION OF THE CONFIDENTIAL

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SINGLE-MEMBER CONSTITUENCY, FOR EXAMPLE ARRANGMENTS BASED ON MODIFIED PROPORTIONAL REPRESENTATION, MIGHT BE CONSIDERED AS A MEANS OF GIVING ALL GROUPS AND POLITICAL PARTIES A CHANCE TO COMPETE.

4. BOTH PAST EXPERIENCE AND THE SIZE OF THE TERRITORY SUGGESTS THAT AN OVERALL RATIO OF UN FIELD MONITORS TO ELECORS MIGHT BE APPROXIMATELY 1:750, (WHICH WOULD REQUIRE A TOTAL OF ABOUT 500 MONITORS FOR AN ELECTORATE OF 400,000).

5. CONSIDERATION MIGHT BE GIVEN TO NAMING A SPECIAL TEAM OF ELECTORAL EXPERTS TO ACCOMPANY THE SR'S ADVANCE PARTY TO ADVISE ON SUCH QUESTIONS AS FRANCHISE, REGISTRATION, AND TECHNIQUES TO ASSURE SECRECY OF THE BALLOT AND VERIFICATION OF RESULTS.

TO COMPLETE ELECTION ROLLS IDENTICAL MEANS OF IDENTIFYING AND REGISTERING ALL VOTERS SHOULD BE DEVELOPED, THUS REPLACING THE "PASS-BOOD" SYSTEM.

ENTITLEMENT OF CERTAIN GROUPS TO CAMPAIGN AND VOTE WILL HAVE TO BE CLARIFIED.

6. PAST EXPERIENCE SUGGESTS ABOUT ONE POLLING STATION PER 1,000 VOTERS, WHICH WOULD MEAN THAT SOME 450 POLLING PLACES (INCLUDING MOBILE POLLING VANS) COULD BE REQUIRED. AT EACH POLLING STATION A UN MONITOR AND LOCAL PARTY REPRESENTATIVES WOULD BE PRESENT. THE UN MONITOR-WATCHER WOULD, AT THE END, SEAL THE BOXES AND

TRANSPORT THEM TO A CENTRAL COUNTING STATION.

TECHNIQUES FOR PROTECTING THE SECRECY OF THE BALLOT
AND FOR SAFEGUARDING AGAINST FRAUD SHOULD BE INSTITUTED
IN COOPERATION WITH THE AG.

7. THE SR AND HIS STAFF WILL HAVE TO MONITOR THE COUNTING
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OF VOTES AND THE PUBLICATION OF THE ELECTION RESULTS.

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C O N F I D E N T I A L SECTION 3 OF 3 USUN 2300

GENEVA FOR AMBASSADOR YOUNG

III. GUARANTEES AGAINST THE POSSIBILITY OF INTERFERENCE
FROM ANY QUARTER

IT IS SUGGESTED THAT THE SPECIAL REPRESENTATIVE MUST
TAKE STEPS TO GUARANTEE THE INTEGRITY OF THE ELECTORAL
PROCESS AND PREVENT INTERFERENCE FROM ANY QUARTER, INCLUDING
THE SOUTH AFRICAN ARMED FORCES AND POLICE. AT THE SAME
TIME NORMAL REQUIREMENTS OF LAW AND ORDDR MUST BE UPHELD,
SO THAT ELECTIONS TAKE PLACE IN A PEACEFUL ATMOSPHERE.

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THE FOLLOWING ELEMENTS MAY NEED TO BE CONSIDERED:

(A) SAFEGUARDS AGAINST POLICE INTERFERENCE. TO AN
EXTENT THE PRESENCE OF A SUBSTANTIAL NUMBER OF UN MONITORS
IN THE FIELD COULD IN ITSELF ENCOURAGE FREEDOM FROM
INTERFERENCE. THESE MONITORS COULD IN ADDITION BE EMPOWERED
TO RECEIVE COMPLAINTS FROM LOCAL INDIVIDUALS OR GROUPS
CONCERNING ALLEGED INTERFERENCE. WHERE POSSIBLE SUCH
COMPLAINTS WOULD BE EXAMINED AND RESOLVED INFORMALLY
AT THE LOCAL LEVEL; BUT THE PROPOSED PANEL OF JURISTS
COULD BE EMPOWERED TO RECEIVE, AND ADJUDICATE UPON APPEALS.

TWO OTHER MEASURES MIGHT BE CONSIDERED. AS MENTIONED
ABOVE THERE COULD BE SCOPE FOR JOINT PATROLS OF UN REPRESENTATIVE
AND LOCAL POLICEMEN. ANY SOUTH AFRICAN INTELLIGENCE
PERSONNEL PRESENT IN NAMIBIA SHOULD BE REQUIRED TO LEAVE
THE TERRITORY AT THE OUTSET OF THE ELECTORAL PROCESS.

(B) SAFEGUARDS AGAINST INTERFERENCE BY THE ARMED FORCES.
THE GUIDING REQUIREMENT SHOULD BE THAT ANY ARMED FORCES IN
NAMIBIA NOT BE PERMITTED TO EXERCISE ANY INFLUENCE WHATSOEVER
OVER THE CONDUCT OF THE ELECTIONS. UN MONITORS MIGHT BE
EMPOWERED TO OBSERVE AND REPORT UPON ARRANGEMENTS TO ENSURE
THAT SOUTH AFRICAN ARMED FORCES DO NOT INTERFERE IN THE
ELECTORAL PROCESS. TO THISE END SPECIAL UN MONITORS MIGHT
BE ATTACHED TO SOUTH AFRICAN ARMED UNITS, AND THE UNITS
THEMSELVES REQUIRED TO REMAIN
WITHIN THEIR BASES. BORDER AREAS CLEARLY PRESENT PROBLEMS,
BUT UN MONITORS SHOULD BE ATTACHED TO BORDER UNITS AS
WELL BOTH TO ENSURE NON-INVOLVEMENT IN THE ELECTIONS AND TO
GUARANTEE THAT ALL PERSONS ELIGIBLE TO PARTICIPATE IN THE
ELECTORAL PROCESS ARE FREE TO RETURN.

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IV. ADDITIONAL GUARANTEES: THE PROPOSED PANEL OF JURISTS

AS ALREADY INDICATED, IT IS UNDERSTOOD THAT THE SOUTH AFRICAN GOVERNMENT ACCEPTS THAT THE SECRETARY GENERAL WILL APPOINT A PANEL OF JURISTS OF FOUR MEMBERS, HALF OF WHOM WILL BE SOUTH AFRICANS. THE SECRETARY GENERAL WOULD DESIGNATE ONE OF THE FOUR AS PRESIDENT OF THE PANEL, WITH A CASTING VOTE.

AS A GENERAL PRINCIPLE DISPUTES OVER THE ELECTORAL ROLLS, AND THE CONDUCT OF THE ELECTION ARE BEST SETTLED INFORMALLY THROUGH CONSULTATIONS BETWEEN THE SPECIAL REPRESENTATIVE AND HIS STAFF AND THE LOCAL AUTHORITIES. BUT THE SPECIAL REPRESENTATIVE SHOULD HAVE THE RIGHT TO REFER TO THE PANEL ANY DISPUTE CONCERNING THE FAIR ADMINISTRATION AND CONDUCT OF THE ELECTION, INCLUDING THE QUESTION WHETHER ANY LAW OR REGULATION IN FORCE IS DISCRIMINATORY OR RESTRICTIVE. IF INFORMAL DISCUSSIONS AT THE LOCAL LEVEL FAIL TO RESOLVE THE MATTER, A PERSON WHO CONSIDERS HIMSELF PREJUDICED BY THE ADMINISTRATION AND CONDUCT OF THE ELECTION, OR BY THE OPERATION OR APPLICATION OF ANY LAW OR REGULATION, SHOULD LIKEWISE BE ABLE TO BRING THE DISPUTE BEFORE THE PANEL. THE PANEL WOULD BE MASTER OF ITS OWN PROCEDURES. ITS DECISIONS WOULD BE FINAL AND BINDING.

IN ADDITION, THE PANEL SHOULD HAVE ULTIMATE RESPONSIBILITY FOR DECIDING WHO IS A POLITICAL PRISONER, AND THUS TO BE RELEASED IMMEDIATELY. ANY CLAIMS BY OR ON BEHALF OF A PERSON HELT IN PRISON THAT HE OR SHE IS A POLITICAL PRISONER WOULD BE REFERRED TO THE PANEL. UNQTE.
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Message Attributes

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